



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 04 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8653 3593

Danny Matthews
Administrator
City of Council Grove
313 West Main Street
Council Grove, Kansas 66846

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Matthews:

On January 14 – 16, 2014, a representative of the United States Environmental Protection Agency performed an inspection of the City of Council Grove wastewater treatment facility to assess the City's compliance with its National Pollutant Discharge Elimination System Permit No. KS0027898. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report is enclosed for your information on compact disc. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of Council Grove to provide the information requested in **ENCLOSURE 1** by the deadlines and to the address identified therein.

Guidance on How to Respond

Please read the instructions included in **ENCLOSURE 1** carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's January 2014 inspection.

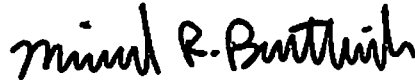


Printed on Recycled Paper

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,



for Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Mike Tate, KDHE

ENCLOSURE 1

INFORMATION REQUEST

Re: City of Council Grove, Kansas

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

1. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Certification.** The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses for question number three (3) only, under section III. Requested Information. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience, the text of 40 C.F.R. § 122.22(a) is included on ENCLOSURE 2.
5. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
7. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

ENCLOSURE 1

**Jodi Bruno
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219**

8. **Requests for Extension of Time to Respond.** If you believe for any reason that you will not be able to send a complete response to this Information Request within the time period identified in Enclosure 1, you may submit a written request for an extension within fifteen (15) calendar days of receipt of this letter. When requesting an extension, you must specify which questions you will need additional time to answer. All other responses should be submitted on or before the end of the specified time period. For more information, contact Jodi Bruno at 913-551-7810.

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

Preliminary Information

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

Monitoring Information

3. In order to determine whether the City is in compliance with its NPDES permit, the City shall sample the influent to, and effluent from, its wastewater treatment plant for flow and the pollutants Biochemical Oxygen Demand, Total Suspended Solids and chlorophyll as follows:

- a. **Beginning immediately upon receipt of this information request** and continuing through the end of June 2014, the City shall monitor/sample the following parameters at the locations and frequencies described below:

Parameter	Location	Frequency	Sample Type
Flow	Influent and Effluent	Daily	Calculated*
BOD	Influent and Effluent	Once per week	24 Hr. Composite
TSS	Influent and Effluent	Once per week	24 Hr. Composite
Chlorophyll	Effluent	Twice per month	24 Hr. Composite

*The City shall report the average daily and daily maximum wastewater influent flow and effluent flow. Continuous monitoring is preferable; however, if the City does not currently possess the necessary

ENCLOSURE 1

equipment to monitor flow continuously, then the City shall take four manual measurements no less than two hours apart and calculate the daily average. The method of flow data collection shall be reported on each Discharge Monitoring Report and Periodic Report.

- b. Except as otherwise specified, the City shall perform monitoring/sampling and analysis of its influent and effluent using the methods required by its NPDES permit and 40 C.F.R. Part 136. Results of all monitoring/sampling and analysis for all samples collected during the reporting month shall be included in the City's DMRs as required by the City's NPDES permit, Standard Conditions Paragraph 4, and 40 C.F.R. § 122.41(l)(4)(ii); and
- c. Periodic Reports on the sampling are to be submitted to the EPA monthly on the 15th day of the month following the completed reporting period. The first report is due on or before May 15, 2014, and shall cover the time period from the receipt of this information request through April 30, 2014. All Periodic Reports must include the following information:

 - i. a table clearly showing the results of all influent and effluent monitoring during the month (including the date monitoring occurred for each parameter and the result); and
 - ii. copies of the analytical results for all sampling required pursuant to this information request.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 29 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7013 3020 0001 1645 7802

Len Pagano
Mayor
City of Saint Peters
One St. Peters Centre Blvd
St. Peters, Missouri 63376

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Pagano:

On January 28, 29 and 31, 2014, a representative of the United States Environmental Protection Agency performed an inspection of the City of St. Peters wastewater treatment facility to assess the City's compliance with its National Pollutant Discharge Elimination System Permit No. MO0030970. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report is enclosed for your information on compact disc. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of St. Peters to provide the information requested in ENCLOSURE 1 within fourteen (14) days of receipt of this letter.

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's January 2014 inspection.



Printed on Recycled Paper

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,

Brad Norchem
Acting For

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, MDNR

ENCLOSURE 1

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. Confidential Business Information. If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Accurate and Truthful Information Required. Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
6. Submission of Response to Information Request. All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

Jodi Bruno
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219

ENCLOSURE 1

7. **Requests for Extension of Time to Respond.** If you believe for any reason that you will not be able to send a complete response to this Information Request within the time period identified in Enclosure 1, you may submit a written request for an extension within seven (7) calendar days of receipt of this letter. When requesting an extension, you must specify which questions you will need additional time to answer. All other responses should be submitted on or before the end of the specified time period. For more information, contact Jodi Bruno at 913-551-7810.

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I within fourteen (14) days of receipt.

Note that except for a cover letter or memorandum 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc in PDF, Word, Excel or other widely available electronic format.

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.
3. For the sanitary sewer lines in the area that is south of I-70, north of Mexico Street, East of Dardenne Creek and west of Church St:
 - a. Who owns the sewer lines?
 - b. Who is responsible for maintaining the lines? Please provide the legal document identifying the responsible party.
 - c. Who responds to issues arising in this area, i.e. sanitary sewer overflows or basement back-ups?



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219**

MAY 29 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7013 3020 0001 1645 7819

Steve Ehlmann
County Executive
St. Charles County
201 North Second Street
St. Charles, Missouri 63301

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Ehlmann:

On January 28, 29 and 31, 2014, a representative of the United States Environmental Protection Agency performed an inspection of the City of St. Peters wastewater treatment facility to assess the City's compliance with its National Pollutant Discharge Elimination System Permit No. MO0030970. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The purpose of this letter is to obtain additional information so the EPA can determine the County's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires St. Charles County to provide the information requested in ENCLOSURE 1 within fourteen (14) days of receipt of this letter.

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's January 2014 inspection.



Printed on Recycled Paper

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The County may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the County. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,

Brad R. Horchem
Acting For

Karen A. Flournoy
Director

Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, MDNR

ENCLOSURE 1

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
6. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

Jodi Bruno
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219

ENCLOSURE 1

7. **Requests for Extension of Time to Respond.** If you believe for any reason that you will not be able to send a complete response to this Information Request within the time period identified in Enclosure 1, you may submit a written request for an extension within seven (7) calendar days of receipt of this letter. When requesting an extension, you must specify which questions you will need additional time to answer. All other responses should be submitted on or before the end of the specified time period. For more information, contact Jodi Bruno at 913-551-7810.

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I within fourteen (14) days of receipt.

Note that except for a cover letter or memorandum 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc in PDF, Word, Excel or other widely available electronic format.

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.
3. For the sanitary sewer lines in the area that is south of I-70, north of Mexico Street, East of Dardenne Creek and west of Church St:
 - a. Who owns the sewer lines?
 - b. Who is responsible for maintaining the lines? Please provide the legal document identifying the responsible party.
 - c. Who responds to issues arising in this area, i.e. sanitary sewer overflows or basement back-ups?



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 04 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8648 8572

Mr. Roger Anderson
Walthill Wastewater Treatment Facility
PO Box 246
Walthill, Nebraska 68067

Re: Letter of Warning and Request for Information
NPDES No: NE0021211

Dear Mr. Anderson:

On October 23, 2013, a representative from the U.S. Environmental Protection Agency, Region 7, performed an inspection at your wastewater treatment facility. The inspection was performed to determine the WWTF's compliance with the Clean Water Act and its National Pollutant Discharge Elimination System permit. A copy of the inspection report on compact disc (Enclosure 1) is included with this notice of violation for your review. During the inspection, the following violations of the CWA and NPDES permit were documented:

- Failure to conduct influent sampling
- Failure to measure freeboard in lagoon cells and maintain records
- Failure to maintain lagoons
- Failure to comply with approved sampling and recording procedures
- Failure to submit discharge monitoring reports for new WWTF system

During the October 2013 inspection, the agency observed that backwash from the Village's drinking water treatment system is discharged into the Village's storm sewer, which drains directly into Omaha Creek. Such discharges are not authorized by the Village's NPDES permit and, therefore, are violations of the CWA. It is our understanding that the village is currently working with both Indian Health Services and EPA staff to resolve this violation.

The Village of Walthill WWTF must be operated in full compliance with the terms of its NPDES permit and the CWA. The EPA inspection report provided recommendations for correcting deficiencies and improving operational practices at the WWTF to ensure future compliance. We strongly encourage you to implement these recommendations. Please note that the agency reserves its rights to bring an enforcement action, including the assessment of penalties, if these violations are not addressed.



Printed on Recycled Paper

Request for Information

Section 308 of the CWA authorizes the agency to request information from any person subject to the CWA to determine and ensure compliance with the CWA. Through this letter, the EPA seeks your assistance in providing information regarding your plans to return to compliance.

The agency requests that you submit a detailed plan and schedule for how the Village plans to address the violations outlined below:

1. Failure to conduct influent sampling
2. Freeboard not measured in lagoon cells
3. Failure to maintain lagoons
4. Failure to comply with approved sampling and recording procedures

The agency also requests that you submit a detailed plan and schedule for how the Village shall divert the drinking water backwash into the Village's wastewater treatment system plans to address the above-referenced violations, including the Village's plans to divert the drinking water backwash into the Village's wastewater treatment system.

The documentation should be submitted to the agency within 30 days of receipt of this letter and shall be mailed to the following address:

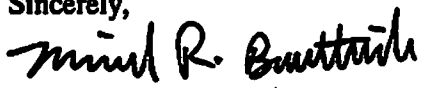
Robert Bryant
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
Water Enforcement Branch
11201 Renner Boulevard
Lenexa, Kansas 66219

Submissions to the agency shall include a signed and notarized Certification of Response to Request for Information, attached herein.

The information you provide may be used by the agency in administrative, civil, and/or criminal proceedings. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Although the agency seeks your cooperation, compliance with the Information Request is required by law.

If you have any questions or need additional information, please contact Robert Bryant, of my staff, at (913) 551-7354 or Chris Muehlberger, the attorney assigned to this matter at (913) 551-7623.

Sincerely,


for Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosure

- 1. Inspection report**
- 2. Certification Page for information request**

cc: Steve Goans, NDEQ
Denny Haag, IHS

CERTIFICATION OF RESPONSE TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to the U.S. Environmental Protection Agency's Request for Information and all documents submitted herewith, and that, to the best of my knowledge, the submitted information is true, accurate, and complete, and that all documents submitted are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

Signature

Sworn to before me this _____
day of _____, 2014.

Notary Public



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 04 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8653 3548

Mr. Gregg Jager
Jager Farms Partnership
47021 775 A Road
Hazard, Nebraska 68844

RE: Regulatory status and CWA compliance

Dear Mr. Jager:

On June 12, 2013, a representative of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of the Section 308 of the Clean Water Act. A copy of the inspection report was sent you to on or about December 6, 2013.

The EPA is currently evaluating the regulatory status of your animal feeding operation and compliance with the CWA. The inspection report discusses CWA concerns identified at your feedlot at the time of the inspection. In particular, the inspection identified that the roadside ditch north of 775A Road facilitates the discharge of pollutants from the feedlot toward Mud Creek. The inspectors noted that runoff from the feedlot flows into an adjacent pasture but also concluded that the runoff flows back into the road ditch towards Mud Creek. At the time of the inspection there were approximately 750 head of cattle at your feedlot and a capacity of 999 head of cattle. The number of cattle at your operation and the flow path from your feedlot to Mud Creek are pertinent to the EPA's evaluation.

Pursuant to this CWA Section 308 information request, please provide the EPA with the number of beef cattle currently confined at your operation and the monthly average number of cattle confined at your feedlot since the EPA inspection in June 2013. Also, please describe any actions you may have taken to prevent precipitation-related runoff from re-entering the road from the pasture area north of 775A Road. If you have taken action to address this flow path, please provide photographs that document those actions.

Section 308 of the CWA, 33 U.S.C 1318, authorizes the EPA to request information from any person to determine compliance with the CWA. The required information must be submitted no later than fourteen (14) calendar days after receipt of this letter. Please send your response to:



Printed on Recycled Paper

Don Hamera
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
Water Enforcement Branch
11201 Renner Boulevard
Lenexa, KS 66219
hamera.don@epa.gov 913 551-7818

Please feel free to submit your response by electronic mail at the provided address if that is more convenient for you.

Although the information requested must be submitted to the EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Although EPA seeks your cooperation, compliance with this Information Request is required by law. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33U.S.C. 1319.

If there are any questions regarding this request or the EPA's evaluation of your operation, please contact Mr. Hamera at (913) 551-7818.

Sincerely,



for Karen A. Flourney
Director
Water, Wetlands and Pesticide Division

cc: Jon Kenning, Nebraska Department of Environmental Quality



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 06 2014
.....

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7013 3020 0001 1645 3606

Mr. Sjerp Ysselstein
Meadowvale Dairy
1760 300th Street
Rock Valley, Iowa 51247

Re: Meadowvale Dairy, North Dairy Facility- NPDES #IA0077844 and
South Dairy Facility- NPDES #IA0077852 and associated production areas.

RE: Regulatory status and CWA compliance

Dear Mr. Ysselstein:

On August 27-28, 2013, representatives of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of the Section 308 of the Clean Water Act. A copy of the inspection report was sent you to on or about April 14, 2014.

The EPA is currently evaluating the regulatory status of your animal feeding operation and compliance with the CWA. The inspection report discusses CWA concerns identified at your feedlot at the time of the inspection. The EPA understands that you may have already taken actions to address some, or all, of the concerns raised during the inspection and documented in the inspection report. Your provision of information regarding the actions will help inform EPA's evaluation of your facilities' regulatory status.

The following concerns were noted at the North Dairy Facility:

1. A new feed storage area was under construction at the time of the inspection. Please describe and document through as-built plans or diagrams the runoff controls that have been constructed to ensure that any release of process wastewater from this feed storage area will not discharge to the unnamed tributary approximately 500 feet southwest of this area. Also, has the construction of the new feed storage area altered your use of the preexisting areas where feed was stored or processed at the time of the inspection? Specifically, for any other area where feed is stored at the North facility, please describe and document the runoff controls that are in place at those locations to ensure any pollutant discharges are authorized by the National Pollutant Discharge Elimination System permit.
2. Based on inspector observations, there is a general concern regarding runoff from feedstock storage and processing operations at several locations around the Meadowvale North facility. The inspection noted that ground hay is processed at the corner of 300th Street and Chestnut



Printed on Recycled Paper

Avenue as well as the southwest area of Meadowvale Dairy North facilities. According to the inspection some temporary berming appears to have been placed in the hay grinding area near 300th Street and Chestnut Avenue. Please describe any permanent controls that have been constructed at these or any other feed storage and processing areas. If no additional controls have been constructed, please describe your plans to ensure there are no unauthorized pollutant discharges from these areas.

3. The inspection identified that Settled Open Feedlot Effluent Basin #3 and #4 lacked staff gauges and that SOFEB #3 had less than 2 feet of freeboard remaining. The lack of staff gauges and the failure to maintain required storage capacity are violations of the facility's NPDES permit. Please document through photographs that staff gauges have been installed. Please provide the land application and SOFEB records for the past two years that demonstrate that the facility maintains adequate storage capacity.
4. Process wastewater created when precipitation comes in contact with spilled feed on the access drive, located south of SOFEB Basin #5 and #6 and north of the milking parlor, discharges east down the driveway through the open field approximately 150 feet and into the unnamed tributary. Please describe through as-built plans, diagrams, runoff controls and/or best management practices, your efforts to ensure that any release of process wastewater from this area will not discharge into the unnamed tributary located east of the facility.
5. The inspector observed the driveway from the freestyle crosswalk building to the west, and the south and north portions of the two freestall barns. The inspector observed accumulated spilled feed associated with the two freestall barns. Precipitation runoff that comes in contact with the spilled feed is process wastewater. This process wastewater appears to flow through a plastic culvert and flows overland approximately 400 feet through a cropped field into the unnamed tributary east of the facility. Please describe any additional management practices that have been implemented to address spilled feed and/or describe and document through as-built plans or diagrams the runoff controls that have been constructed to ensure that any release of process wastewater from this feed storage area will not discharge into the unnamed tributary east of this area.

The following concerns were noted at the South Dairy Facility:

1. The inspection identified that the Southeast SOFEB lacked a staff gauge. Please document through photographs that a staff gauge has been installed.
2. The inspector observed that the southeast solids settling basin was nearly full of solids. Please describe the actions you have taken to address this condition and provide any documentation associated with the land application of the solids.
3. The inspector observed that the Southeast SOFEB was full and observed evidence that the SOFEB had overflowed. Please provide the land application and SOFEB records for the past two years that demonstrate that the facility maintains adequate storage capacity.

The following concerns were noted at the calf hut area:

1. The calf huts are located on a north sloping hill that drains toward a berm. The stated purpose of

this berm is to retain all process wastewater and prevent pollutants from entering the west unnamed tributary. This calf hut area appears to be a production area associated with the North Dairy Facility, the South Dairy Facility or perhaps both. However, this area is not included in either of the facilities' NPDES permits or Nutrient Management Plans. There appear to be enough commonalities between this area and the dairy facilities that this area cannot be considered an isolated animal feeding operation and therefore should be part of a NPDES permit and must be designed, constructed, operated and maintained in a manner that any discharge of pollutants to a water of the United States is authorized by an NPDES permit and compliant with the CWA. Please provide any as-built drawings, blueprints or other information that documents the designed containment capacity of the berm. Also describe and provide any documentation associated with activities to dewater and land apply process wastewater collected by this berm.

2. The inspector observed three sizeable manure stockpiles in this calf hut area from the North and/or South Dairy facilities. None of these piles were protected from precipitation exposure and therefore raise concerns regarding your ability to ensure that process wastewater emanating from these piles does not discharge to waters of the United States. One stockpile, was located southeast of the newborn calf barn. Process wastewater emanating from this pile flows approximately 1,000 feet north through a grassy area into a small ditch which flows east into the unnamed tributary. Two other manure stockpiles were located near the calf hut area. These two stockpiles appeared to be situated so that process wastewater will flow toward the calf-hut-area berm discussed above. Please describe and document through as-built plans or diagrams any runoff controls that have been constructed to ensure that any release of process wastewater from these two manure stockpiles will not discharge into the unnamed tributary north of the stockpiles.

Other areas of concern:

Meadowvale Dairy has a concrete structure north of the calf huts and directly south of 310th Street. This structure is used to store solids and process wastewater from the North Dairy facility and is therefore a production area for this facility. The inspector observed that the top of the manure had crusted, pushing process waste water and manure solids into the fresh water diversion ditches and into the cropped field adjacent to the structure. The inspector observed that you had installed hay bales in this area to mediate the release. Please describe any actions you have taken to permanently ensure that manure and process wastewater are contained by the structure and do not discharge to waters of the United States.

Section 308 of the CWA, 33 U.S.C 1318, authorizes the EPA to request information from any person to determine compliance with the CWA. The information requested above must be submitted no later than thirty (30) calendar days after receipt of this letter. Please send your written response to:

Don Hamera
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
Water Enforcement Branch
11201 Renner Boulevard
Lenexa, KS 66219
hamera.don@epa.gov

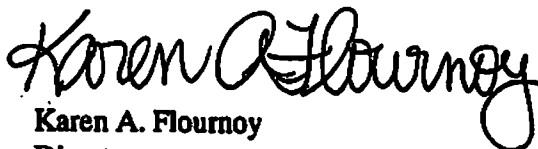
Please feel free to submit your written response by electronic mail at the provided address if that is more convenient for you.

Although the information requested must be submitted to the EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Although the EPA seeks your cooperation, compliance with this Information Request is required by law. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33U.S.C. 1319. The EPA reserves its right to pursue violations of the CWA identified as a result of the inspection or the information provided pursuant to this information request.

If there are any questions regarding this request or the EPA's evaluation of your operation, please contact Mr. Hamera at (913) 551-7818.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first name "Karen" being the most prominent part.

Karen A. Flournoy

Director

Water, Wetlands and Pesticide Division

cc: Ken Hessenius, Iowa Department of Natural Resources



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAY 01 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8653 3517

Austin L. McKillip
Cline Williams, Wright Johnson & Oldfather, L.L.P.
233 South 13th Street
1900 U.S. Bank Building
Lincoln, Nebraska 68508-2095

**Re: Hughes Brothers, Inc. Permit Number NER900325 - Request for Information Pursuant to
Section 308 of the Clean Water Act (33 U.S.C. § 1318)**

IMMEDIATE ATTENTION REQUIRED

Dear Mr. McKillip:

On October 29-30, 2012, a representative of the United States Environmental Protection Agency performed an inspection of your client's facility, Hughes Brothers, Inc, to assess the facility's compliance with its National Pollutant Discharge Elimination System Permit No. NER900325. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was submitted to you on or about December 17, 2012. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires Hughes Brothers, Inc. to provide the information requested in ENCLOSURE 1 by the deadlines and to the address identified therein.

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject Hughes Brothers, Inc. to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's October 2012 inspection.



Printed on Recycled Paper

The information required by this request must be submitted notwithstanding any claim the facility may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the facility. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Elizabeth Huston in the Office of Regional Counsel at (913) 551-7525.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first name "Karen" being the most prominent part.

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosures

cc: Steve Goans, NDEQ

INFORMATION REQUEST

Re: Hughes Brothers, Inc. – Seward, NE

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.

6. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section II, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Lantz Tipton
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219**

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

Preliminary Information

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

Within thirty (30) days of receipt of this information request, provide the following information:
All information requested unless otherwise noted will be from the period of April 1, 2009 to Present

A. Facility Information

- How many shifts per day, hours per shift, and days per week does Hughes Brothers, Inc. currently operate? For each shift, provide the following information:
 - a description of what is produced and what operations occur during the shift;
 - identify the number of employees working during the shift;
 - identify the amount of water, including sanitary wastewater, discharged to the city or used during each shift. If measurements aren't available, provide a reasonable estimate; and
 - if wastewater is generated during a shift, but not discharged to the city, provide details (for example engineering diagrams or detailed written descriptions) on how it is stored or processed.

If this information has changed during the period from April 1, 2009, through Present, provide past operating information with the relevant dates.

- Provide monthly production information from April 1, 2009, to February 28, 2014. This information may be presented in a table format. Explain any monthly increases or decreases that vary from the previous month by more than 5%.
- Provide copies of all documents related to the effect of Hughes Brother's Inc.'s wastewater discharges on the City's wastewater treatment system or storm sewer system. Provide copies of the following:
 - all memos, notes, minutes, letters, telephone conversation records or other documentation relating to Hughes Brothers, Inc.'s discharges to the City;
 - all permit applications made to the City or the Nebraska Department of Environmental Quality (NDEQ);
 - all letters, Notices of Violation (NOVs), orders or citations from either the City or NDEQ; and
 - all wastewater and stormwater samples taken by Hughes Brothers, Inc. or its contractors; and for each, identify the sampling location.
- Does Hughes Brothers, Inc. discharge any industrial process wastewater to the city? If so, describe where the wastewaters are generated, the amount of wastewater discharged, and whether the wastewater is treated prior to discharge.
- Does Hughes Brothers, Inc. have fume scrubbers on site? If so, provide the operating number of fume scrubbers on site.
- Provide the average daily production volume of industrial wastewater.
- Does Hughes Brothers, Inc. transport any wastewater off site? If so, please describe how frequently wastewater is hauled, what volumes are hauled, and where it is transported to?
- What is the source of Hughes Brothers, Inc.'s water supply? If purchased from the city, provide the volume amount of water purchased per month from April 1, 2009, to the present. If from a well, provide the amount of water extracted per month from April 1, 2009, to the present. This information may be presented in a table format.
- Provide a detailed diagram of the facility's interior floor drains. The diagram shall accurately depict the number of floor drains, where the floor drains are located inside facility buildings, and where each floor drain discharges to or is diverted to.
- Provide a detailed description of what operations are conducted near the interior floor drains including: industrial activities, chemicals used, spill prevention procedures, and any recorded spills.
- Provide all benchmark sampling, voluntary sampling, or any additional stormwater sampling documents and analytical results, from April 1, 2009, through February 28, 2014, conducted by Hughes Brothers, Inc. employees or contractor(s) at any location on or near the facility's property. The sampling documents or supporting documents shall describe where on the Facility property that the samples were collected.

- Provide a copy of the current or most recently updated Stormwater Pollution Prevention Plan and Spill Prevention Control and Countermeasure plan.
- Provide copies of all Visual Stormwater Assessments and Facility Self-Inspection Reports conducted from January 1, 2012, through April 1, 2014. Include any photographs, notes, and inspection forms related to the assessments and inspections.
- Provide copies of all Nebraska Department of Environmental Quality inspection reports, letters, and compliance assistance correspondence from the time period beginning April 1, 2009, through the present.
- Provide any correspondence from NDEQ exempting Hughes Brothers, Inc. from conducting sampling of parameters responsible for impaired water bodies.
- Provide a list of all spills involving chemicals, hazardous materials, fuel, process water, and process wastewater that have occurred at the facility (inside and outside of buildings), location of the spills, amount (in gallons) of the spills, cause of the spills, amount of clean up material cleaned/removed for each identified spill, and how the spilled material and cleanup materials were disposed.
- Provide a detailed description of the wastewater treatment processes conducted at the site involving the zinc galvanization process and wood treatment process. The description shall include schematic diagrams, engineering plans, and shall provide equipment and machinery names and model numbers that are involved in the process. The description shall describe the evaporation process or discharge process, including the capacity of the evaporation process equipment, and also shall describe how remnants, sludge, or by products are disposed of.
- Provide a detailed description of how treated wood is handled, processed, stored, and transported at the facility. Also describe the process used to collect drippings from treated wood with drip pads and how drippings are collected from the drip pad and describe the maintenance of the drip pads.
- Provide the time period, with start and end dates that the sawdust storage bin or container was removed during the facility expansion and the dates that the storage bins were replaced or repaired.
- Provide the time period, with start and end dates that sawdust was emitted from the facility, accumulated on the ground, and entered stormwater inlets as identified in EPA's inspection report. Provide any documentation that Hughes Brothers, Inc. made efforts to clean-up the sawdust or other efforts Hughes Brothers, Inc. made to ensure that the sawdust did not discharge into the nearby stormwater inlets.

B. Monitoring Information

1. In order to determine whether the Facility is in compliance with its NPDES permit, Hughes Brothers Inc. shall sample its stormwater effluent during precipitation events equal to or greater than 0.5 inches for the following parameters: pH, Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil and Grease (O&G), Total Arsenic, Total Recoverable Metals, and Nitrate plus Nitrite Nitrogen (NO₃+NO₂N), as follows:

- a. Beginning within 48 hours of receipt of this information request and continuing through the end of September 2014, Hughes Brothers, Inc. shall sample the following parameters at the locations and frequencies described below:

Parameter	Sampling Location	Frequency of Sampling	Sample Type
pH	Outfalls 001 and 002	Precipitation events \geq 0.5"	Onsite measurement
Pentachlorophenol	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
BOD	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
COD	Outfalls 001 and 002	Precipitation events \geq 0.5"	
TSS	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
Oil and Grease	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
Total Arsenic	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
Total Recoverable Metals	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
NO ₃ +NO ₂ N	Outfalls 001 and 002	Precipitation events \geq 0.5"	Grab
Rainfall	Hughes Brothers	Daily	Rain Gauge

- b. All sampling and analysis must conform to methods and requirements established in 40 C.F.R. Part 136.
- c. Periodic Reports on the sampling are to be submitted to the EPA monthly on the 15th day of the month following the completed reporting period. The first report is due on or before June 15, 2014, and shall cover the time period from the receipt of this information request through May 31, 2014. All Monthly Reports must include the following information:
- a table clearly showing all sample results for each parameter, the date samples were taken, and precipitation amount flow; and
 - copies of the analytical results for all sampling required pursuant to this information request.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 10 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8648 8602

Larry E Butler, Registered Agent
Sweetwater Cattle Company, LLC
Suite 200
2200 Central Avenue
Kearney, Nebraska 68847

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Butler:

On June 11, 2013, representatives of the United States Environmental Protection Agency performed an inspection of the cattle feedlot located at 9180 Poole Avenue, Kearney, Nebraska (Feedlot) to assess the Feedlot's compliance with the Clean Water Act. The purpose of this letter is to obtain additional information necessary for the EPA to evaluate the Feedlot's compliance with the CWA.

The CWA may regulate feedlot runoff containing pollutants that discharge to waters of the United States. Cattle feedlots may be considered point sources of water pollution and therefore are regulated under the CWA. Section 308 of the CWA, 33 U.S. § 1318, authorizes the EPA to request information to determine compliance with the CWA. Animal feeding operations are effluent sources subject to Section 308 of the CWA.

During the inspection the EPA confirmed the Feedlot is used to confine cattle owned by Sweetwater Cattle Company LLC and Sweetwater Cattle is the primary operator of the Feedlot. In order to evaluate the regulatory status of the Feedlot listed above, the EPA requests the following information:

- Please provide copies of animal inventory records that demonstrate the number of cattle confined at the Feedlot and associated dates for the period of January 1, 2011, through February 28, 2014. Such records may include, but are not limited to, invoices, transfer records, contracts, receipts or any other documents that establish the number of cattle confined and associated timeframes.
- Provide dates in terms of consecutive months per year and total months per year that any cattle are present at the Feedlot.
- Provide copies of the service contracts or agreements between Sweetwater Cattle Company and Mr. Kirk Potter related to the Feedlot.



Printed on Recycled Paper

- Please describe and document the operations conducted at the Feedlot by Sweetwater Cattle Company and/or its employees. For example, is cattle feed trucked in from the Sweetwater Cattle Company feedlot located at 5622 E. 78th Street, Kearney, Nebraska; do Sweetwater Cattle Company employees feed and maintain the cattle confined at that Feedlot? In your response, please differentiate what activities are performed by Mr. Potter in order to maintain and feed the cattle from those conducted by Sweetwater Cattle employees. Please provide a description of equipment, feeding procedures, animal care or veterinary practices, dead animal disposal practices, manure transfers, land application areas, etc. that are common to the Feedlot and the Sweetwater Cattle Company feedlot.
- Provide all records associated with cattle transfers or shipment between the Feedlot and the Sweetwater Cattle Company feedlot from January 1, 2011, through February 28, 2014.
- Provide information regarding any measures taken at the Feedlot, following the June 11, 2013, inspection, to prevent manure or process wastewater from entering the road ditch along Poole Avenue and discharging into the Wood River.

The required information must be submitted no later than twenty-one (21) calendar days after receipt of this letter to:

**Lantz Tipton
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219**

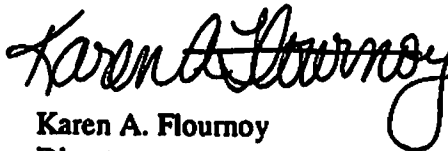
Important Information about this Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's June 2013 inspection.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the Facility. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Lantz Tipton, at phone number (913) 551-7892.

Sincerely,

A handwritten signature in black ink, reading "Karen A. Flournoy". The signature is fluid and cursive, with the first name "Karen" being the most prominent.

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosures

**cc: Mr. Mike Twitchell, Sweetwater Cattle Co.
Jon Kenning, NDEQ**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 04 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7006 2760 0000 8653 3586

Michael G. McDonald, P.E.
Director of Public Works
City of Leavenworth
100 North 5th Street
Leavenworth, Kansas 66048

Re: Leavenworth Wastewater Treatment Facility, NPDES Permit No. KS0036366
Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318

Response Required Within 15 Days

Dear Mr. McDonald:

This letter requests information regarding compliance of the City of Leavenworth with requirements of the City's National Pollutant Discharge Elimination System Permit No. KS0036366 for its wastewater treatment facility and tributary sewer system. A representative from the U.S. Environmental Protection Agency conducted a sanitary sewer overflow inspection of the Leavenworth sewer system on November 20 and 25, 2013, under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. You were sent a copy of the inspection report by certified mail, which was received on February 24, 2014. The purpose of this request is to obtain additional information regarding potential violations identified by the EPA during the inspection.

This letter and the enclosures are a request for information issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a). Section 308 authorizes, among other things, the EPA to require the City to furnish information necessary for the EPA to evaluate the City's compliance with the CWA and its NPDES permit. Pursuant to Section 308, you must provide the information requested in the enclosed Information Request (Enclosure 1). Please read the instructions in the enclosure carefully before preparing your response. Enclosure 2 is a Statement of Certification which must accompany your response.

Please send your written responses within fifteen (15) days of receipt of this Request for Information to:

Wayne Dillard, P.E.
U.S. Environmental Protection Agency
Region 7, WWPD/WENF
11201 Renner Boulevard
Lenexa, Kansas 66219

Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's November 2013 inspection.

If you have any questions or concerns regarding this matter, you may contact Wayne Dillard at (913) 551-7885 or dillard.wayne@epa.gov.

Sincerely,

for *Minid R. Brumfield*
Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Michael B. Tate, KDHE

ENCLOSURE 1

INFORMATION REQUEST

This information is requested pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be signed by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22. For your convenience a copy of 40 C.F.R. § 122.22(a) is included on Enclosure 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Compliance with the provisions of this request for information is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.

7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Wayne Dillard, P.E.
Compliance Officer
U.S. Environmental Protection Agency Region 7
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219

8. Requests for Extension of Time to Respond: If you believe for any reason that you will not be able to send a complete response to this Information Request within 15 days, you may submit a written request for an extension within seven (7) calendar days of receipt of this letter. When requesting an extension, you must specify which questions you will need additional time to answer. All other responses should be submitted on or before the end of the fifteen day period. For more information, contact Wayne Dillard at 913-551-7885.

II. Requested Information

Please submit your response to the questions below within fifteen (15) days of receipt of this Information Request. Please clearly identify your responses with a numbering system corresponding to the items as listed below. (See, Section I, Instructions.) Should the City of Leavenworth not have the information requested, you must provide a response stating that the City has no such information, documentation, records, etc. This is required for each numbered or lettered item to which the City is unable to provide the requested information.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc in PDF, Word, Excel or other widely available electronic format.

A. Preliminary Information

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your response to this Information Request is to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Information Regarding Wastewater Collection and Treatment System

1. Please provide a copy of each citizen request form, call out work order or other documentation of citizen complaints regarding the wastewater collection system since January 1, 2009.
2. Please provide documentation of any preventative maintenance actions taken in the known problem areas in the collection system referenced in your December 16, 2013, letter responding to the inspector's Notice of Potential Violations.

3. Standard Condition No. 10 attached to NPDES Permit No. KS0036366 requires reporting of “any unanticipated collection system diversion” within 24 hours from the time the City became aware of the incident followed by a written submission within 5 days of becoming aware of the incident. Please provide a copy of each such written submission for the following incidents:

- a. May 25, 2011, incident at 1125 3rd Avenue.**
- b. October 19, 2011, incident at 9th and Cheyenne.**
- c. April 18, 2012, incident at 20th and Ottawa.**
- d. August 17, 2012, incident in the alley between Kickapoo, Kiowa, Broadway and 7th.**
- e. September 4, 2012, private line incident.**
- f. December 7, 2012, incident in the 900 block of Kickapoo.**
- g. September 28, 2013, incident involving a manhole overflow.**
- h. 5th Avenue and Prospect incident on October 3, 2013.**

ENCLOSURE 2

STATEMENT OF CERTIFICATION

This Certification must be signed by a person described in 40 C.F.R. § 122.22(a) or by a duly authorized representative of that person, as described by 40 C.F.R. § 122.22(h).

I certify that the information contained in or accompanying this submission is true, accurate, and complete.

I further certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

By _____
(Signature)

(Date)

(Printed Name)

(Title)

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).